

In Re Public Meeting NYC - Taxi & Limousine Commission  
May 3, 2023

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2 NEW YORK CITY

3 TAXI & LIMOUSINE COMMISSION

4 PUBLIC MEETING

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6 33 Beaver Street  
7 New York, New York

8 May 3, 2023  
9 10:02 a.m.

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11 H E L D B E F O R E:

12 DAVID DO, Chair/Commissioner

13 SHERRYL ELUTO, General Counsel

14

15 BOARD OF COMMISSIONERS:

16 THOMAS SORRENTINO

17 KENNETH MITCHELL

18 JACQUES JIHA

19 ELISA VELAZQUEZ

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22 Sabrina Brown Stewart,  
23 Court Reporter

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S P E A K E R S:

FABIAN CANCEL - Director of Base and Business  
Services

DANIEL GODDIN - Assistant General Counsel, TLC

1 CHAIR DO: Good morning. I'm calling  
2 this meeting to order at 10:02 a.m. I am  
3 David Do, Commissioner and Chair of the Taxi  
4 & Limousine Commission. I am joined today by  
5 our board of commissioners, Jiha, Velazquez,  
6 Mitchell, and Sorrentino.

7 I have a brief and happy announcement.  
8 I think I saw some of you out there at our  
9 Vision Zero ceremony just last week, so thank  
10 you so much for participating. That day, we  
11 celebrated two people, right; one Base and  
12 one person, including Patricia Ramirez, who  
13 was our safest driver.

14 We honored over 500 of all of you who  
15 had drove supersafe in the last four years,  
16 without a fatality, injury or traffic  
17 violations with the TLC or any law  
18 enforcement agencies, so congratulations to  
19 all of you.

20 Today, we're voting on a rule package  
21 with several components. First, in  
22 accordance with Local Law 12 of 2020, we  
23 propose consolidating the Critical Driver  
24 Program with the Persistent Violator Program,  
25 under the heading of the Persistent Violator

1 Program. This will ensure that TLC drivers  
2 will not be penalized under the program more  
3 than once for the same violation or  
4 violations.

5 In accordance with the several New York  
6 State insurance law changes, we propose rules  
7 that uphold those changes. State law  
8 requires a combined single limit of at least  
9 1.5 million for FHV's with a seating capacity  
10 of eight or more. And let me be very clear  
11 -- and I heard you all, that this does not  
12 include the driver, and at least 500,000 for  
13 commuter vans with a seating capacity of  
14 eight or more.

15 In response to public comments we  
16 received, demonstrating a little confusion,  
17 we made the rule proposal a little bit more  
18 clear. We propose those time for for-hire  
19 vehicle base owners and commuter van bases,  
20 to respond to TLC respecters from ten to  
21 three business days, but we have changed that  
22 to five business days.

23 We also clarified that a TLC license  
24 driver cannot operate a TLC licensed vehicle,  
25 if the driver's state-issued chauffeur

1 license has been suspended or revoked, or if  
2 the driver's New York State driving  
3 privileges were suspended or revoked. And we  
4 require medallion owners, or their agents, to  
5 pay sublessees drivers monies owed from  
6 credit card payments, including when that  
7 responsibility was delegated to other parties  
8 and those parties failed to pay the drivers.

9 This is all good news for our driving  
10 community, and we're very pleased that we  
11 will, as a Commission, be voting for this  
12 item. And then, finally, we will also be  
13 voting on a resolution authorizing an SHL  
14 pilot in the outer boroughs.

15 All right. And with that, I'm going to  
16 turn it over to our General Counsel, Sherryl  
17 Eluto, to take us through the agenda.

18 MS. ELUTO: Good morning.

19 Commissioners, the first item before  
20 you are the minutes for the March 8, 2023,  
21 Commission meeting. So, I will call a vote  
22 to adopt those minutes.

23 All in favor of adopting the minutes.

24 (Hands raised in tandem by  
25 Commissioners.)

1 MS. ELUTO: And the vote passes  
2 unaniously. Thank you.

3 And I will now call the director of  
4 Base and Business Services, Fabian Cancel, to  
5 present the Base license applications.

6 MR. CANCEL: Good morning,  
7 Commissioners and attendees. My name is  
8 Fabian Cancel. I'm the director of the TLC  
9 Base and Business Licensing Unit.

10 17 bases have been submitted for  
11 renewal review, and we're awaiting your  
12 approval.

13 MS. ELUTO: Commissioners, we have a  
14 vote on adopting Base license  
15 recommendations.

16 All those in favor.

17 (Hands raised in tandem by  
18 Commissioners.)

19 MS. ELUTO: And the Base license list  
20 passes unaniously.

21 MR. CANCEL: Thank you.

22 MS. ELUTO: Commissioners, we will now  
23 turn to item 5 on the agenda, the rule  
24 proposal package.

25 The proposed rules were published in

1 the City Record on March 6, 2023, for public  
2 comment. We held a public hearing on  
3 April 19th, and then on April 28th, the final  
4 version of the proposed rule was posted on  
5 our website and circulated to the  
6 Commissioners, along with the hearing  
7 transcript and all written comments that were  
8 received.

9 Commissioners, may we move for a vote?  
10 All those in favor of adopting the rule  
11 packages amended.

12 CHAIR DO: Aye.

13 (Hands raised in tandem by  
14 Commissioners.)

15 MS. ELUTO: And the rule passes  
16 unanimously.

17 CHAIR DO: Great. Well, now, we're  
18 going to go on to the SHL pilot vote.

19 As you all remember, in February, we  
20 had a street hail livery public hearing, to  
21 hear from our community, to tell us what is  
22 going on with our green industry and how can  
23 we fix it, especially for outer borough  
24 residents into impact, you know, outer  
25 borough service, but also service for those

1           who need Access-A-Ride or medical  
2           transportation.

3                       This is something that we worked for  
4           over the better part of one year, since I  
5           started. And we're calling this pilot the  
6           "SHL Pilot." This is -- and I first want to  
7           thank, you know, both Sherryl Eluto and her  
8           team, including Dan Goddin, for their energy  
9           and their work on this.

10                      So, without further ado --

11                      ADVOCATORS: Shame.

12                      CHAIR DO: -- can I call --

13                      ADVOCATORS: Shame, TLC.

14                      CHAIR DO: -- Dan on?

15                      Can we have order, please. Please, can  
16           we have order.

17                      ADVOCATORS: Say no.

18                      CHAIR DO: Can we have order. Order,  
19           please. Order, please.

20                      ADVOCATORS: Say no.

21                      CHAIR DO: Order, please.

22                      All right. Dan, you can come and give  
23           your presentation, please.

24                      Thank you.

25                      MR. GODDIN: Good morning. My name is



1 Dan Goddin, and I'm an assistant general  
2 counsel for TLC's Office of Legal Affairs.  
3 I'll be walking us through our plans to  
4 revitalize the street hail livery sector, by  
5 reissuing SHL permits that were previously  
6 issued by the TLC in the past, but were then  
7 returned back to us.

8 So, in revitalizing the SHL sector, we  
9 hope to address certain agency goals. First,  
10 we want to tackle a lack of licensed vehicles  
11 available to the non-high-volume for-hire  
12 service entities, that are competing out  
13 there.

14 And Secondly, we want these newly  
15 available vehicles to place an emphasis on  
16 trips that began outside of the pre-arranged  
17 exclusionary zone in Manhattan. Meaning, we  
18 want these vehicles to begin their trips  
19 north of East 96th Street or north of  
20 West 110th Street in Manhattan, or any of the  
21 outer boroughs.

22 This emphasis on outer borough service  
23 is in keeping with the original hail act,  
24 that established the street hail livery  
25 sector back in 2012, and is also in keeping

1 with New York City Council Local Law 147 of  
2 2018, that established the FHV license  
3 clause, while also mandating that TLC  
4 "Increase the availability of for-hire  
5 services in different geographic areas in the  
6 City, where such services are needed."

7 And finally, this pilot is designed to  
8 ensure that there are vehicles available for  
9 nonemergency medical transportation,  
10 regardless of where that specific type of  
11 trip begins. SHLs have been available to  
12 work with the MTA's Access-A-Ride program in  
13 years passed, and these pilot vehicles can  
14 continue to perform those Access-A-Ride  
15 trips.

16 But these pilot participant drivers  
17 will also be able to accept broker trips that  
18 are performed outside of the Access-A-Ride  
19 program, ensuring more options for New  
20 Yorkers, that are just trying to get to their  
21 healthcare appointments.

22 So, those are the main objectives that  
23 we're going for. And today, I'm going to try  
24 to move briskly through what we think is a  
25 straightforward plan that we can effectuate

1 pretty quickly, to get all of us there  
2 together in the not too distant future.  
3 While I do want to move quickly, please do  
4 interrupt me at any time, if you do want me  
5 to expand on anything throughout this topic,  
6 and I'll do just that. I'll get started with  
7 a little road map.

8 I'm going to give an overview of the  
9 pilot resolution. I'm going to briefly  
10 describe what the pilot participants might  
11 look like. I'm going to dive a bit deeper on  
12 the objectives of the pilot program and a bit  
13 deeper on why we think the program would be  
14 attractive to a pilot participant. And then,  
15 I'll wrap up, and explicitly repeat the offer  
16 to field any questions at the end, once  
17 you've heard what we are thinking about here.

18 Okay. So, as to the substantive  
19 background of pilot resolution, we are  
20 proposing a program in which we test whether  
21 or not SHLs can be used safely and  
22 efficiently without being equipped or  
23 permitted to accept street hails; that is the  
24 main regulatory change, creating a different  
25 version of the SHL, that could only pick up

1 pre-arranged rides. As to the timing of this  
2 program, if it is approved today, we hope to  
3 begin accepting applications from pilot  
4 participants on May 16th, in less than  
5 two weeks.

6 In removing the ability to accept  
7 hails, we are also going to be removing the  
8 need for a lot of equipment and the expenses  
9 for same. For example, a participant will no  
10 longer need a meter, will no longer need a  
11 roof light. Pilot participants will not be  
12 paying for that equipment during this  
13 program. Pilot participants will be able to  
14 keep the vehicle color of their choice. And  
15 broadly speaking, the TLC's regulatory  
16 structure is going to result in a very modest  
17 visual footprint on these vehicles during the  
18 pilot.

19 The partition and in-vehicle camera  
20 system will be options. They will not be  
21 requirements for the pilot participants. And  
22 the TLC is also going to be providing the  
23 markings needed for this program. So, the  
24 idea is that there's no need for a  
25 participant to go to a meter shop or to a

1 print shop to complete any part of the  
2 inspection process. We want to completely  
3 remove any possibility of unforeseen costs  
4 and expenses from outside entities  
5 throughout.

6 This was the main feedback we received  
7 from our licensees at the February 8th public  
8 hearing, in which we solicited ideas as to  
9 how to adapt to the SHL sector. We hope that  
10 this regulatory shift represents a thoughtful  
11 attempt to incorporate that feedback, to take  
12 the advice of our licensees.

13 That summarizes the approach to outside  
14 entities, which then brings us to cost  
15 imposed by TLC itself. We intend to be very  
16 aggressive here as well, by waiving the fee  
17 to obtain an SHL permit to participate in  
18 this pilot. We do hope this gets people's  
19 attention. We want people excited for this,  
20 but we're also going to be very clear about  
21 certain qualifications.

22 For example, the FHV license issued  
23 during this pilot will only be able to be  
24 affixed to an SHL vehicle, and that is both  
25 during the pilot and after the pilot as well.

1           Only one essential permit, one FHV license  
2           per pilot participant. And the last main  
3           qualification is that you have to affix the  
4           permit and the license to either a wheelchair  
5           accessible vehicle, an electric vehicle, or a  
6           hybrid vehicle.

7           Okay. So, those pilot parameters that  
8           we just discussed are really the main points  
9           that I wanted to hit with you today. But  
10          while I've got you, and even more brisker  
11          than before, I do want you to be aware that  
12          we, at TLC, are going to be doing outreach  
13          within the licensing community, to try to  
14          bring participants into the pilot on a  
15          measured basis.

16          Those participants do need to be in  
17          good standing with us, and those participants  
18          will need to have a TLC driver's license.  
19          And, of course, they will need to have a WAV,  
20          an EV or a hybrid, or they're not going to  
21          pass their inspection and they're not going  
22          to receive the permit and the license. But  
23          we do look forward to seeing those  
24          participants at Woodside for their  
25          inspection. We do look forward to those

1 participants hopefully passing that  
2 inspection and being given the markings and  
3 license that they need. And then, we are  
4 very excited about those participants being  
5 ready to accept pre-arranged trips, just as  
6 soon as they drive off the lot at Woodside.

7 We are trying to create a streamlined,  
8 fast, efficient process for interested  
9 parties, which requires as little expense as  
10 possible. And also, no unpredictability from  
11 outside parties, no five-year contracts, no  
12 installation fees, no painting your personal  
13 car a different color, that wouldn't  
14 necessarily be a preferred color choice when  
15 driving around off duty. We hope these  
16 agency efforts generate a response within the  
17 TLC driving community.

18 With that, I'm going to start winding  
19 things down with some pilot goals, most of  
20 which you certainly figured out long ago.

21 First, of course, we want everyone to  
22 be safe, and we want everyone to abide by the  
23 restrictions and starting trips within the  
24 pre-arranged exclusionary zone in Manhattan.  
25 And we want not just to see an absence of

1           unfortunate things. We're hoping to see  
2           plenty of positives, positive answers to  
3           questions like -- is there sufficient demand  
4           for pre-arranged trips that originate outside  
5           of the pre-arranged exclusion zone, that  
6           would provide full-time work for drivers? Do  
7           Access-A-Ride trips, do Medicaid reimburse  
8           trips that originate within the exclusionary  
9           zone, generate substantial income for pilot  
10          participants? We, at TLC, are all determined  
11          to gain insight, gain data, that could help  
12          us answer these questions.

13                 I'm just going to briefly go over what  
14                 might happen further down the road, which is  
15                 that we might make this program permanent to  
16                 the rule-making after the pilot is completed.  
17                 I wasn't planning to spend too, too much time  
18                 on those post-pilot possibilities, just  
19                 because it's so far away, and because we have  
20                 so much work to do before then.

21                 But I do want to flag that we will be  
22                 keeping an eye on the data as it comes in,  
23                 continuing our dialogue with licensees,  
24                 industry stakeholders, that has been so  
25                 invaluable throughout this process. And we



1 will be thinking about how to conclude this  
2 effort in a way that benefits our licensees  
3 and the riding public in the most  
4 comprehensive way that we can.

5 And this is the last slide. And this  
6 slide was designed for a specific audience.  
7 Namely, if you are a licensee with questions,  
8 we want to help. Please feel free to e-mail  
9 us at [tlcpilots@tlc.nyc.gov](mailto:tlcpilots@tlc.nyc.gov), and we'll try to  
10 help as best we can. In addition to that  
11 e-mail address, I should also highlight that  
12 there will be an update to TLC's website on  
13 Monday, May 8th, and that will include more  
14 detailed information about the application  
15 process for any interested parties. But I  
16 will briefly sketch out a few steps now.

17 First, any interested licensee will  
18 need to sign a Memorandum of Understanding,  
19 which is just an agreement between TLC and  
20 the applicant in which, for example, we  
21 agreed that you can't accept street hails  
22 during this pilot. Once that agreement is  
23 signed, the applicant will have 30 days to  
24 provide their vehicle identification number  
25 to our licensing division.

1                   At that point, licensing will ask for  
2                   payment for the FHV license and will  
3                   hopefully be providing approval of your  
4                   application and providing you with that FHV  
5                   license. And after that, they will schedule  
6                   you for your inspection at TLC's Safety and  
7                   Emissions Division.

8                   And with that, I will wrap it up.  
9                   Though, I will be very happy to hear any  
10                  questions you have on anything we just  
11                  discussed.

12                  And if not, I'm happy to concede the  
13                  floor back to you, Commissioner Do.

14                  CHAIR DO: Thank you.

15                  Commissioners, are there any questions?

16                  COMMISSIONER VELAZQUEZ: No.

17                  SPEAKER: Please, no vote today. We  
18                  need more extension. We need more time to  
19                  testify and testimony. Listen, my bother and  
20                  nine driver (sic) committed suicide, and --

21                  MS. ELUTO: Excuse me. Commissioners,  
22                  we will --

23                  CHAIR DO: Can we please --

24                  MS. ELUTO: -- now vote.

25                  CHAIR DO: -- have order. Thank you.

1 I'll talk to you right after this.

2 MS. ELUTO: We will now vote on the  
3 resolution.

4 MS. DESAI: Stop the vote.

5 MS. ELUTO: Outlining the parameters of  
6 the street hail livery pilot, the resolution  
7 was posted on the TLC website, distributed to  
8 the Commissioners on April 28th.

9 MS. DESAI: Stop the vote.

10 MS. ELUTO: All those in favor of  
11 adopting the resolution, please raise your  
12 hand.

13 MS. DESAI: Stop the vote.

14 (Hands raised in tandem by  
15 Commissioners.)

16 MS. ELUTO: And the vote is unanimous.  
17 Thank you.

18 ADVOCATORS: Stop the vote.

19 CHAIR DO: Thank you so much. I  
20 appreciate everyone for coming out and  
21 sharing their thoughts and voices. I'll be  
22 down to talk to you all in one second.

23 The time is now 10:18, and I will  
24 adjourn this meeting.

25 Thank you, everyone.  
(TIME NOTED: 10:18 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on May 3, 2023.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of May, 2023.

*Sabrina Brown Stewart*  
Sabrina Brown Stewart

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